

Message Text

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INFO OCT-01 ISO-00 L-02 PA-02 PRS-01 USIA-15 AID-05 CEA-01

CIAE-00 COME-00 EB-07 EA-10 FRB-01 INR-07 IO-10

NEA-10 NSAE-00 RSC-01 OPIC-06 SP-02 TRSE-00 CIEP-02

LAB-04 SIL-01 SWF-01 OMB-01 /102 W

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FM USMISSION OECD PARIS

TO SECSTATE WASH DC 4562

UNCLAS SECTION 01 OF 02 OECD PARIS 28884

E.O. 11652: N/A

TAGS: BGEN, JA, OECD

SUBJECT: REQUEST TO DE-RESTRICT OECD DOCUMENTS

REF: A. STATE 260865

B. USOECD 27905

1. SUMMARY. JAPANESE ARE RELUCTANT TO PERMIT DE-RESTRICTION OF REQUESTED DOCUMENTS AND SUGGEST WESTINGHOUSE OBTAIN SAME INFORMATION FROM NON-RESTRICTED NON-OECD SOURCES. ACTION REQUESTED: RESPONSE, PER PARA 6 BELOW. END SUMMARY.

2. JAPANESE DELEGATION TELLS US GOJ IS INCLINED NOT TO AGREE TO US REQUEST FOR DE-RESTRICTION OF THE THREE DOCUMENTS CONCERNING JAPANESE TRADE ACTIONS IN 1967 AND 1969. DESPITE EXPLANATION IN REF A, GOJ PROFESSES INABILITY TO UNDERSTAND REQUEST. JAPANESE ASKED FOR US COMMENTS ON FOLLOWING SPECIFIC POINTS:

(A) SINCE PURPOSE OF DE-RESTRICTION NORMALLY IS TO MAKE INFORMATION ON OECD ACTIVITIES AVAILABLE TO PUBLIC, WHY WOULD IT BE WORTHWHILE GOING THROUGH PROCEDURE FOR DE-RESTRICTIONS IN THIS CASE? (WE COMMENTED UNCLASSIFIED

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THAT DOCUMENTS ARE SOMETIMES DE-RESTRICTED MERELY

BECAUSE THEY WOULD BE USEFUL TO SOME SMALL PART OF THE PUBLIC, EVEN THOUGH THEY ARE NOT OF GENERAL INTEREST.)

(B) HOW DID RESTRICTED OECD DOCUMENTS BECOME KNOWN TO WESTINGHOUSE? (WE SUGGESTED DOCUMENTS MAY HAVE BEEN REFERRED TO IN NON-RESTRICTED SOURCES.)

(C) DOES THE USG FEEL OBLIGATED ALWAYS TO COMPLY TO THIS KIND OF REQUEST FROM A PRIVATE FIRM? (WE SAID OUR UNDERSTANDING WAS THAT THERE WERE PROCEDURES TO DETERMINE WHEN UNDER THE FREEDOM OF INFORMATION ACT THERE WAS REASON NOT TO COMPLY WITH SUCH A REQUEST, AND WE THOUGHT--AND HOPED--THAT THE USG WOULD NOT FEEL OBLIGATED TO RELEASE DOCUMENTS RESTRICTED BY AN INTERNATIONAL ORGANIZATION IF DE-RESTRICTION COULD NOT BE ACCOMPLISHED.)

(D) WHAT WOULD BE THE REACTION OF OTHER OECD COUNTRIES TO REQUESTS THAT DOCUMENTS SOLELY CONCERNING THEM BE DE-RESTRICTED? (THIS IS CLEARLY A RHETORICAL QUESTION, AND WE WOULD GUESS THE REACTION COULD WELL BE NEGATIVE.)

3. WE MADE THE POINT THAT, SINCE INFORMATION IN DOCUMENTS IS PUBLIC, THERE SHOULD BE NO REASON NOT TO DE-RESTRICT THEM. WE ALSO ASSURED JAPANESE WE WOULD NOT TAKE THEIR CONCURRENCE IN DE-RESTRICTION AS A PRECEDENT FOR FUTURE REQUESTS FOR DE-RESTRICTION OF NON-PUBLIC INFORMATION.

4. JAPANESE, HOWEVER, CLEARLY DO NOT WANT TO GO THROUGH PROCEDURE OF DE-RESTRICTING. THEY SUGGEST THAT

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LAB-04 SIL-01 SWF-01 OMB-01 /102 W

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US LET WESTINGHOUSE KNOW WHAT THE CONTENTS OF THE DOCUMENTS ARE WITHOUT REQUESTING DE-RESTRICTION. WESTINGHOUSE CAN OBVIOUSLY FIND THE COMPLETE SUBSTANTIVE CONTENTS OF THE DOCUMENTS IN OTHER SOURCES. IF, ON THE OTHER HAND, THEIR REASON FOR WANTING THE DOCUMENTS IS FOR SOMETHING OTHER THAN THE SUBSTANTIVE CONTENTS, THAT APPROACH MIGHT NOT SOLVE THE PROBLEM. IN ANY CASE, JAPANESE WOULD LIKE TO KNOW MORE ABOUT THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT IN ADDITION TO SATISFACTORY ANSWERS TO ABOVE QUESTIONS BEFORE CONSIDERING QUESTION FURTHER.

5. AT TRADE COMMITTEE MEETING NOV. 27-28 US REQUESTED THAT TC DELEGATE TO TC WORKING PARTY THE AUTHORITY TO CONSULT WITH SEC GEN PRIOR TO A PROPOSAL FROM SEC GEN TO DE-RESTRICT TRADE COMMITTEE DOCUMENTS. TC AGREED. HOWEVER, FURTHER CONSULTATION WITH SECRETARIAT LEADS US TO BELIEF THAT SEC GEN MIGHT WELL BE VERY RELUCTANT TO REQUEST DE-RESTRICTION. ONLY HE CAN TAKE FORMAL INITIATIVE FOR DE-RESTRICTION. TCWP NEXT MEETS DEC. 10-11.

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6. MISSION STRONGLY RECOMMENDS DEPARTMENT ADOPT PROCEDURE IN PARA 4 ABOVE AS SUGGESTED BY JAPANESE. IF DEPARTMENT DOES NOT ADOPT THAT PROCEDURE, REQUEST CONFIRMATION, ELABORATION AND/OR AMENDMENT TO OUR ANSWERS TO JAPANESE QUESTIONS PARA 1 ABOVE AND FURTHER INFORMATION ON APPLICABILITY OF FREEDOM OF INFORMATION ACT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 03 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974OECDP28884
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740350-0005
From: OECD PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741265/aaaacdge.tel
Line Count: 163
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: A. STATE 260865
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 09 OCT 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 OCT 2002 by ReddocGW>; APPROVED <28-Oct-2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REQUEST TO DE-RESTRICT OECD DOCUMENTS
TAGS: BGEN, JA, OECD
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005